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IDENTICAL LETTERS DATED 13 JULY 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED RESPECTIVELY TO THE SECRETARY-GENERAL AND THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit herewith a letter dated 13 July 1991 from Mr. Ahmad Hussein, Minister for Foreign Affairs of the Republic of Iraq, concerning Iraq's compliance with Security Council resolution 687 (1991). I also transmit two letters, dated 10 and 12 July 1991, from the Minister to Mr. Hans Blix, Director-General of the International Atomic Energy Agency, concerning Iraq's accounts of nuclear materials.

I should be grateful if you would have this letter and its annexes circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

Annex I

Identical letters dated 12 July 1991 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General and the President of the Security Council

Iraq has accepted all the resolutions adopted by the Security Council and expressed its willingness to cooperate with the Council, the Secretary-General and his representatives in ensuring the serious and good-faith implementation of those resolutions, despite Iraq's deep feeling that they are biased and unjust.

During the past months, Iraq has actively and painstakingly fulfilled its obligations despite continued attempts to cast doubts as to its intentions ... attempts which have been accompanied by various forms of threat and distortion.

When confusion arose as to the work of the inspection teams, Iraq expressed its willingness to receive the mission appointed by the Secretary-General with Mr. Ekéus at its head. The mission was received at the highest levels in Iraq, and a serious and practical dialogue was conducted with a view to facilitating its task and overcoming whatever obstacles might arise in its work, particularly in the extremely difficult circumstances confronting Iraq with respect to communications, transport and services as a result of the military action against it from 17 January to 28 February 1991, which inflicted widespread destruction on the country's civilian infrastructure.

The high-level mission led by Mr. Ekéus was given categorical assurances in connection with all the requests it made, whether with regard to the security and safety of the inspection teams - which had not in fact been exposed to any form of danger - or to the facilitation of its task of inspection under the terms of Security Council resolutions. During the mission's stay in Baghdad, all practical measures considered appropriate by the mission were taken to facilitate its task of inspection, and these measures were indicated in its report to the Security Council.

In response to the proposal made by Mr. Blix, Director-General of the International Atomic Energy Agency (IAEA), during discussions in Baghdad, the Iraqi Government submitted a long list of all the devices, equipment and locations of interest to the mission and explained the history and nature of the Iraqi peaceful nuclear programme, which was also explained in the letter of the Minister for Foreign Affairs. This could have been included among the results and achievements of Mr. Ekéus' mission to Baghdad if he had accepted the proposal of the Minister for Foreign Affairs that he extend his stay in Baghdad for one further day. The letter detailed the reasons which, in the opinion of the Iraqi Government, justified the non-submission of this information at an earlier date. In the course of his response, the Minister went on to resolve and explain all the queries directed to him by the Director-General of IAEA with respect to the details of his letter

incorporating the lists and the programme. You may wish to study the letters dated 10 and 12 July 1991 from the Minister for Foreign Affairs to Mr. Blix. In addition, our Ambassador in Vienna, the Permanent Representative of Iraq to the International Atomic Energy Agency, provided an official explanation to the Director-General concerning the comments raised at the unofficial meeting of the Board of Governors held last week, as well as of the comments made by Mr. Blix.

Nevertheless, despite the serious and active cooperation displayed by Iraq in connection with this and other issues relating to the implementation of the Security Council resolutions, the United States - before, during and after the mission's visit - has launched and continues to conduct a large-scale frenzied campaign of threats to carry out further military aggression against Iraq. American officials have begun to speak openly of their intention to attack, of the preparations under way for this purpose and of the means available for such action. American officials have used this issue as an additional excuse to maintain the economic sanctions against Iraq, to interfere in its internal affairs and to impose their wishes on the noble people of Iraq in a manner which is flagrantly incompatible with international laws and conventions and with the text of the Security Council resolutions themselves.

The United States is currently preparing for a further massive military attack on Iraq. As a pretext for such an attack, it is declaring that it intends to strike at the locations and equipment which aroused the concerns of the high-level mission. Iraq has already declared - and today reaffirms - its absolute willingness to enable the United Nations inspection teams to visit and view all such locations and equipment and to interact with them in accordance with the Security Council resolutions.

Why, then, does the United States resort to military means to strike against Iraq if its true objective is to implement the Security Council resolutions?

The correct conclusion, which becomes apparent from all the statements made by American officials, is that the United States wishes, by launching this new attack, to achieve political aims which have no connection with the Security Council resolutions and the concerns expressed therein. By doing so, it is continuing the process which it began on 17 January, when it made use of Security Council resolution 687 (1991) not to evict Iraq's armed forces from Kuwait, as specified in the resolution, but to destroy Iraq's economic capacities, infrastructure and achievements in terms of science and civilization, in order to promote its own objectives, and those of zionism, of achieving complete hegemony over the Middle East region. It is now preparing to carry out the second stage of this plan, having failed to achieve all the objectives of the first stage between 17 January and 28 February 1991 and in the course of the subsequent events, in which the United States played a major role.

Iraq is once again subject to the threat of massive military aggression by the United States, which is once again using the Security Council resolutions and the concerns expressed therein as a pretext and cover to launch this attack.

Iraq has accepted the Security Council resolutions, despite its legitimate feelings with respect to them. It has declared and confirmed its willingness to implement them and is entirely willing to cooperate with the Council and the Secretary-General in order to ensure their implementation.

The Security Council is not supposed to allow any one of its members to act in the name of the Council in order to promote its own aggressive and expansionist aims in a manner inconsistent with international laws, values and conventions.

We hope that the Security Council will put an end to this aggressive behaviour on the part of America against a noble and independent State Member of both the United Nations and the international community which has suffered as a result of aggression and whose people is continuing to suffer from the unjust and biased economic sanctions. We hope that those States members of the Council which recognize their responsibility in matters of peace and security and the rights of peoples to freedom, dignity and independence will take a stand commensurate with their legal responsibilities as members of the Security Council, and with their consciences, to forestall this new stage of the American aggression against Iraq.

(Signed) Ahmad HUSSEIN
Minister for Foreign Affairs of the
Republic of Iraq

## Annex II

## Letter dated 10 July 1991 from the Minister for Foreign Affairs of Iraq addressed to the Director-General of the International Atomic Energy Agency

We have received, by way of Iraq's representative to the International Atomic Energy Agency (IAEA), your letter to us of 9 July 1991.

In response to your request for comments on the contents of your letter, we should like to provide you with the following observations and explanations:

You mentioned in your letter that Iraq had a uranium enrichment programme which it had not subjected to IAEA safeguards in accordance with the agreement concluded between the Government of the Republic of Iraq and the International Atomic Energy Agency (INFCIRC/172). We should like to make the point in this context that the safeguards agreement, which is based on the Treaty on the Non-Proliferation of Nuclear Weapons, does not prevent any State Party to the Treaty from conducting research and development in the field of uranium enrichment without informing the Agency, provided that such research does not reach the stage which requires notification and subjection to the safeguards system. This fact is illustrated in table 3, transmitted together with my two letters of 7 July 1991: the three methods are still at the stage of research and development, and there is no isotope enrichment unit under the terms of article 98 of the safeguards agreement. We understand article 28 of the safeguards agreement as referring to meaningful (significant) quantities of nuclear materials. In this regard, we wish to refer to the definition of a meaningful (significant) quantity of nuclear material, as contained in article 89 of document IAEA/SG/INF/1, which defines the term as corresponding to 75 kilograms of uranium enriched at a rate of less than 20 per cent of uranium-235. One half kilogram is thus well below that threshold.

We should also like to refer to the findings of the Zancker Commission, which adopted criteria for the monitoring and export of sensitive technologies. The work of that Commission was of major importance in determining much of the contents of the safeguards system. The Commission stated that the smallest quantity of enriched uranium which could be subjected to monitoring was one active kilogram. In this connection, we should also like to refer you to paragraph 300 of document IAEA/SG/INF/1(Rev.1), issued in 1987.

All the above remarks confirm that the quantity under discussion is not covered by the safeguards system.

With regard to your remarks concerning the uranium enriched by a centrifuge system, we have checked the English translation, as provided by IAEA, of our letter and the tables transmitted therewith against your comments in your letter. We note a discrepancy between that translation and, on the one hand, the contents of your letter and, on the other, the Arabic text of our letter. For this reason, we consider it most important to provide an accurate technical explanation of the matter.

One model of a centrifuge was tested rather than a series of centrifuges. The object of testing the one model was to determine the centrifuge's separation performance. Accordingly, the material was rotated in the centrifuge, the enriched product was mixed with the spent product and both were used to feed the centrifuge once again. Due to the use of the rotation principle in the experiment, no enriched material was accumulated. This constitutes an accurate scientific explanation of the statement in the table to the effect that no appreciable quantities were enriched in the course of the tests, because the level of enrichment achieved was nullified by the aforementioned mixing process.

It will be clear to you from the above remarks that the centrifuge enrichment method is still at an early stage of scientific research.

You established some sort of link between the production of one half kilogram of uranium enriched at a rate of 4 per cent of uranium-235 and article 34 (c) of the agreement. We understand all three paragraphs of article 34 to deal with the subject of the import and export of nuclear materials from and to Iraq, and Iraq's consequent obligations to notify the Agency of any nuclear material. Article 34, paragraph (c), refers to the importation by Iraq of nuclear material in any form, at any level of refinement, and at any stage of the nuclear fuel cycle. However, the half kilogram of uranium under discussion, enriched at a rate of 4 per cent, was not imported by Iraq but produced locally in the course of experiments for research and development purposes. Our interpretation of article 34 is that it does not cover this case. Even if we suppose that the provisions of article 34, paragraph (c), go beyond the context of importation, we believe that our comments below on article 42, and particularly on the definitions of technical terms contained therein, justify our affirmation that article 34, paragraph (c), does not apply in the case of one half kilogram of uranium enriched at a rate of 4 per cent.

With respect to the references in your letter to article 42, the information contained in table 3 relating to the three enrichment methods does not in any way indicate the existence of a "facility", but only of technological components which are still at the development stage and whose production and engineering specifications have not yet been completely finalized: certain physical and engineering aspects are not yet fully understood and require further research and development before it is possible to adopt industrial, engineering and planning specifications for the purpose of constructing an integrated facility, with a determined capacity, operational procedure and other technical details which would make it possible to provide the Agency with final design data.

These specifications cannot be determined before actual tests are carried out using uranium. For this reason, it is our interpretation that article 42 does not apply to the current state of enrichment activities as described in table 3, transmitted together with my two letters of 7 July 1991.

As you notice, we have endeavoured in this letter to provide a precise account of the scientific and technical facts as well as to explain our position of commitment to the various articles and paragraphs of the safeguards agreement. Nevertheless, we are prepared to dispatch a specialized technical mission, if you so wish, to answer questions and offer clarifications if you should have any further queries.

(Signed) Ahmad HUSSEIN
Minister for Foreign Affairs
of the Republic of Iraq

## Annex III

### Letter dated 12 July 1991 from the Minister for Foreign Affairs of Iraq addressed to the Director-General of the International Atomic Energy Agency

Further to our letter dated 10 July 1991, and with reference to your letter of 11 July 1991, which stated that there were large quantities of nuclear materials which have not previously been reported under the terms of paragraphs 34 (c) and 34 (b) of the safeguards agreement, we wish to provide the following comment and explanation:

1. With regard to the quantities of yellow-cake and uranium dioxide: the Ministry of Defence requested the Atomic Energy Commission to carry out research and tests into the use of ceramic and metallic uranium for non-nuclear purposes, one of its concerns being to strengthen the anti-armour missile warhead.

This research has made considerable progress but has not yet been completed, particularly from the points of view of technology and fabrication. The programme requires large quantities of uranium and, because these quantities were not needed for nuclear purposes, the Agency was not informed under the terms of paragraph 34 (b) of the safeguards agreement.

We should also like to point out that the Atomic Energy Commission always, on its own initiative, offered to show stocks of nuclear materials not covered by the inspection to the Agency's inspectors during their visits for that purpose. This measure was designed to illustrate our good faith, given that those materials were in the stores together with the other nuclear materials being investigated by the inspectors: the inspectors indicated that the yellow-cake was not subject to inspection and did not at any time ask to investigate or to check whether notification was or was not required.

2. With regard to the uranium hexafluoride: the quantity of this substance (465 grams of natural uranium) is minimal. No nuclear laboratory working with such materials would do so unless it had to: this quantity, in our opinion, does not require notification or control.

3. With regard to the quantities of uranium tetrachloride: these are used to feed the test systems for electromagnetic enrichment.

As you know, the rate of the flow of the material produced in the enrichment cell to the cell's feed material is usually very low: this is true of all enrichment methods. In electromagnetic enrichment in particular, the material is not rotated automatically in the separator: the required quantity of feed material depends on a number of factors, including the rate of evaporation of the material in the oven, its ionization capacity, the proportion of positive uranium ions extracted from the source to other ions, the rate of flow to the collector from the extractor, the collection capacity

and thus the weight of uranium-235 in the collector and the rate of enrichment achieved.

One half kilogram of uranium enriched at a rate of 4 per cent requires approximately one half ton of uranium tetrachloride for its production. It will be clear from the above remarks that the quantity of 2.5 tons mentioned in the table constitutes a normal quantity for the feeding of experimental separators: we do not believe that it requires notification.

In conclusion, despite our clarifications above, we believe that our notification of these materials (as transmitted in our letter of 7 July 1991), although provided under the terms of Security Council resolution 687 (1991), in any event constitutes a corrective measure which we believe to be sufficient under the terms of paragraph 19 of the safeguards agreement.

(Signed) Ahmad HUSSEIN
Minister for Foreign Affairs of Iraq

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